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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 AARON REDDIX, ) CASE NO. CV 17-968-RGK (PJW)  
11 )  
12 Petitioner, )  
13 v. ) ORDER DISMISSING HABEAS CORPUS  
14 ) PETITION AND DENYING CERTIFICATE  
15 UNITED STATES DISTRICT COURT, ) OF APPEALABILITY  
16 )  
17 Respondent. )  
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16 Before the Court is a Petition for Writ of Habeas Corpus, in  
17 which Petitioner, who is currently incarcerated in the Los Angeles  
18 County Jail, is challenging his January 20, 2017 state conviction.  
19 (Petition at 2.) He claims that he is entitled to a pardon based on  
20 California Proposition 57 and that his conviction was obtained on the  
21 strength of a false police report and perjured testimony. (Petition  
22 at 3.) Petitioner acknowledges that he has not filed an appeal or  
23 sought review in the California Supreme Court. (Petition at 5.) For  
24 the following reasons, the Petition is dismissed without prejudice.

25 The Court has a duty to screen habeas corpus petitions before  
26 ordering service on a respondent. *See Mayle v. Felix*, 545 U.S. 644,  
27 656 (2005). In doing so, if it plainly appears from the face of a  
28 petition that a petitioner is not entitled to relief, the Court can

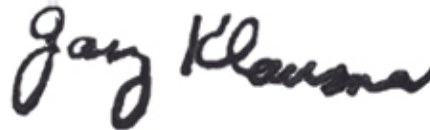
1 dismiss the petition at the outset. See Rule 4, Rules Governing  
2 § 2254 Cases.

3 As a matter of comity between state and federal courts, a federal  
4 court will generally not address the merits of a habeas corpus  
5 petition unless a petitioner has first exhausted his state remedies by  
6 presenting his claims to the highest court of the state. 28 U.S.C.  
7 § 2254(b); *Rose v. Lundy*, 455 U.S. 509, 522 (1982); see also *Cooper v.*  
8 *Neven*, 641 F.3d 322, 326 (9th Cir. 2011). Because Petitioner has not  
9 presented his claims to the California Supreme Court, the Petition is  
10 unexhausted and subject to dismissal. See *Rasberry v. Garcia*, 448  
11 F.3d 1150, 1154 (9th Cir. 2006) ("Once a district court determines  
12 that a habeas petition contains only unexhausted claims, it need not  
13 inquire further as to the petitioner's intentions. Instead, it may  
14 simply dismiss the habeas petition for failure to exhaust.").

15 Accordingly, the Petition is dismissed without prejudice.  
16 Further, because Petitioner has not made a substantial showing of the  
17 denial of a constitutional right, a certificate of appealability will  
18 not issue in this action. See 28 U.S.C. § 2253(c)(2); Fed. R. App. P.  
19 22(b); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003).

20 IT IS SO ORDERED

21 DATED: February 14, 2017



22  
23 R. GARY KLAUSNER  
UNITED STATES DISTRICT JUDGE

24 Presented by:



25  
26 PATRICK J. WALSH  
27 UNITED STATES MAGISTRATE JUDGE

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